

Cleveland Community Police Commission

Full Commission Meeting

Minutes

April 26, 2023

6:00 PM - 8:30 PM

Gunning Park Recreation Center, 16700 Puritas Ave, Cleveland, OH 44135

Co-chair Ridgeway, presiding, gavels in at 6:05

Attendance roll call:

Adams – present
Benito – present
Chura – present
Donaldson – present
Earley – present
Garrett-Ferguson – absent (excused)
Kennedy – absent (excused)
van Lier – present
Reaves – present
Ridgeway – present
Rodriguez – present
Zayed – arrived after roll call
Wang – absent (excused)

Staff in attendance:

Interim Executive Director Jason Goodrick
Community Engagement & Project Coordinator Shalenah Williams
Communications Specialist Sara Anderson
Senior Policy Analyst Ryan M. Walker

Vote on last meeting's minutes will be delayed until the next full meeting

First public comment period (in order of appearance)

Loh personally attend the rules meeting regarding public comments. There was no discussion at that time about guidelines for public comments. Loh suggested that the public comments section to the middle of the meeting or include a second one at the end for public comments for people who think of comments during the meeting.

Rosie Palfy told the union leaders she always advocated for the unions to be involved with MHRAC, which has been in a silo. MHRAC should be involved in writing policy if officers get disciplined. You have

to figure out how crisis intervention fits into this puzzle as the commission will have to deal with it when they review the case. She expressed concerns about them having crisis intervention training having not submitted it to the court. She has concerns that the training does not have suicide-by-cop.

Leon Merrit was driving two weeks ago on Carnegie, he expressed concerns about black tinted windows, inebriated drivers, and drivers without insurance.

Loh expressed concerned that officers have to deal with complicated situations that they are not trained to handle.

Shellnah Williams, CPC Community Engagement, read a question that someone sent in from the BLM founder LaTonya Goldsby via live stream: "Are CPRB updates?" Interim Executive Director Jason Goodrick said that the CPRB will not return in the near future, but ops will be here soon.

Guest Presentation from Jeff Follmer, CPPA head, and Jim O'Malley, FOP head. Describe the workings of their respective unions.

Rundown of Commissioner Questions:

Q: in both contracts, if an officer resigns, and then comes back after a period of time, such as three months, does that officer cash out his benefits when he resigns, or does he pick off where he left off, or do those benefits just start accruing again?

A: if they do cash out, and they lose their seniority, but when they are reinstated, they get their experience pay.

Q: the community and the CPC wants a good relationship with the Police. The community does not right now trust the police; the CPC are not here to get you, we want to work with you and be a bridge between you and the community. Your mistakes do get magnified by the media, so we want the community to know what you know.

A: if there is an incident, you could contact us we can give more context.

Q: everyone on the commission wants to have a good relationship on this. You talked about your desire for fairness and impartiality, I would like to hear from you. There are times where we will not agree on the outcome. What would signify to you that we are being fair and impartial?

A: fairness in the process, due process, allowing proper time frames. We just want it to be done properly, whether they have arbitration or not, take everything from the process and put it on the table. Be fully transparent, put it all out there. You have the power to have input on that process. Glad that Commissioner Chura was on the commission as he knows a lot having been a captain. Also, communication, make sure you educate yourselves on the situation, avoid forming opinions before you know. We do get disciplined a lot.

Q: can you talk to us about the process with the contracts, what does that process look like?

A: the sections are based on 1985 Ohio collective bargaining laws. When we get close we have people form a bargaining unit, we send out a survey to our members about what they think, as it goes through we as an organization and the city as an organization come up with a list of what they want, keeping officers, raising pay, etc. We then go through a negotiation process, if we cannot agree we have to decide if we take it to arbitration. Once you have a tentative agreement, we take it to our members for a vote.

Q: a question about staffing, its nationwide problem, we have a really high ratio of citizens to officers, how do you ensure adequate staffing, what would that include, people talk about non-police responses or people talk about raising pay?

A: I don't know what the answer is to attracting people to law enforcement, feedback I've received, some of it is generational, some of it is pay, some of it is scrutiny. Even if we lost people in Cleveland, but we still have 77 square miles, we still have a lot of calls for service. Also, this administration is going to be challenged to figure this out, this is going to be the lowest number of officers there has ever been. It is going to be challenging.

Q: please comment on how prevalent whistleblowing and retaliation are in the department as addressing this is a tool to change culture.

A: there is an investigation by human resources

Q: what can the CPC do to empower police officers to enact positive change in the police?

A: we want police officers to be supported. Community outreach is a big issue, but we are not going to have as many officers to do the work.

Q: in past newspaper articles, union leaders said that they will take us to court as soon as we make a decision they do not agree with. Given Interim Monitor Bell Hardaway's paper on the history of police unions manipulating politics, is this a barrier to police reform?

A: we will follow what the law upholds, we follow what the contract says, that sometimes looks like it is trying to interfere with reform, please call us when something happens and we will try to clarify it.

Det. Follmer: I made those comments, and I just want our collective bargaining be respected. We take things to court and arbitration as that is the process, I am not here to start a war.

Q: when things were happening in Akron, after the recent police killing of Jayland Walker, given staffing issues, what do you think about sending officers to Akron and who makes that call?

A: the Chief makes that decision. I don't know how that decision was made, but when we had issues, such as the May 30 protests, officers from the suburbs come and help us.

Q: since this commission does not sit at the negotiating table, it is the city, do you think it would be beneficial to have some sort of training for the CPC members to learn about this process?

A: I think any training is good, I don't know how that would play into the legal component. Right now we have an grievement and arbitration process. Working outside those channels training might help. The arbitration process is set. A good place to start would be to look through arbitration decisions.

Q: we intended to have the city labor law person comes in before, but, can you explain arbitration?

A: it goes file grievances -- safety director -- human resources - then arbitration. I have done this for a long time and I know what a case we will likely win, and when we disagree with the city, only about 1 out of 10 and 15 go to arbitration. Almost all terminations go to arbitration. Grievances are often rubberstamped from safety director to the chief and HR, so we take it to someone not involved in the politics of the city. They are expensive but we are losing members.

There was a series of questions about the current number of officers. There are currently 998 patrol officers, but that could dip as low as 900 this summer due to retirements. There are approximately 300 non-patrol officers, for a combined force of approximately 1300 total officers. Also, all transfer decisions are at the discretion of the Chief.

Q: there is a fracture in trust between the police and the community, do you think there is anything that police unions could have done better to bridge that divide, and what role do you think that unions can do to improve it?

A: I cannot speak to historical issues, from a union standpoint, I would not have say we put a wall, I will say maybe in the past people have been vocal and that caused issues. These changes are needed. My job is to protect officers' rights, it is not always pretty, and it is not always agreed upon. I make myself open to talk to anyone.

Q: how do we create a division that helps the division mitigate officer trauma?

A: I would ask if an officer has issues that before there is discipline, they can find a way to identify a problem and help them. And maybe giving the employee assistance unit, they need more resources and staff.

Q can we invite the Black Shields at some point?

Interim ED Goodrick: yes, we just wanted to split it up because of how long this takes, the Black Shields and Hispanic Officers Association will meet with us soon.

Second public comment period (in order of appearance)

A citizen asked what improvements have been made.

The union officials suggested that things are getting better, just gradually, and they hope it will continue in the future.

A citizen asked about recruitment?

The union officials noted that the administration is responsible for recruitment and that there were only 15 recruits in the current Police Academy Class, and there will only be 10 in the upcoming one.

Executive Director's report

We are a few weeks away from posting the new office manager and finance manager, what that means is that we will get those things done faster. We have requested job description updates for one of the project coordinators. One of them is to adjust the pay and add the title senior to the title. And have a new position to move Ms. Williams as an administrative manager. We are also budgeted to move to a new location.

There was a new Monitor appointed, Karl Racine. Looking to recruit the new Monitoring Team from Hogan Lovells out of London. Someone from the Monitoring Team will meet with us on our next full meeting on May 10, as per the Consent Decree, to present the 12th semi-annual report, and you can ask questions.

Interim Monitor Bell Hardaway's audit of the 2020 officer involved shooting of a fellow officer is the gold standard approach to investigating that is a factual, in depth investigation. We need to use this as a model going forward.

We did appear before council to go over what we have achieved in the last several months. One of the takeaways is that there is some misinformation about Charter Amendment 115 out there. There is a fear factor. People would talk about power without oversight, so the biggest point we made before Council was to talk about how we are indeed checked by council. We did our best to alleviate that. While we have more power ever given to a board, but we still under the city charter.

Reports from Committees

Training (Early): to date we have had close to 40 hours of training, our next Training date will be May 10 when we meet with the Monitoring Team. And I will bring the firearms training proposal to my co-chair.

Budget & Grants (van Lier): we finalized a grant process will be starting on May 15, applications should be sent in by July.

Rules (Benito): continuing to learn more about the Brady Giglio process, we spoke with the City Prosecutor about their process, and we will be speaking with two civil rights attorneys about their approach to the process later.

Hiring (Donaldson): Commissioners on the Hiring Committee will begin to work on a process for selecting a permanent Executive Director, though they will not choose the ED. Interim ED Goodrick is waiting on being sworn in. We did not specify the timeline for that appointment, so I would like to move to make the appointment official.

Donaldson put forth a motion to appoint Jason Goodrick as the Interim Executive Director for the Cleveland Community Police Commission until an Executive Director is recommended for appointment by the Cleveland Community Police Commission and sworn in by the City of Cleveland or

until April 26, 2024, whichever comes first. During this interim period, Jason will assume the Executive Director duties and responsibilities as outlined in Section 115. Additionally, the Cleveland Community Police Commission's Hiring Committee will initiate a transparent and community involved recruitment process that will include posting, searching for, and interviewing applicants for the role of Executive Director for the Cleveland Community Police Commission. Reaves Seconded the motion.

Adams – aye
Benito – aye
Chura – aye
Donaldson – aye
Earley – aye
Garrett-Ferguson – absent
Kennedy – absent
Reaves – aye
van Lier – aye
Rodriguez – aye
Ridgeway – aye
Wang – absent
Zayed – aye

Motion passed 10-0

New business

Early moved to move to one meeting a month starting in July, with the forth Wednesday a month serving as the permanent meeting. Reaves seconded the motion

Adams – aye
Benito – aye
Chura – aye
Donaldson – aye
Earley – aye
Garrett-Ferguson – absent
Kennedy – absent
Reaves – aye
van Lier – aye
Rodriguez – aye
Ridgeway – aye
Wang – absent
Zayed – aye

Motion passed 10-0

Benito moved to finalize membership of standing committees, via a survey to be sent out by the staff to the Commissioners to note their preferences. Reaves seconded the motion.

Adams – aye

Benito – aye
Chura – aye
Donaldson – aye
Earley – aye
Garrett-Ferguson – absent
Kennedy – absent
Reaves – aye
van Lier – aye
Rodriguez – aye
Ridgeway – aye
Wang – absent
Zayed – aye

Motion passed 10-0

Third public comment period (in order of appearance)

A citizen expressed concern about the scheduling of public comments.

Richard Jackson suggested that if there was an opportunity to fix things the unions would be open to relaxing some things in those contracts to get more people on the street.

The union representatives suggested that they are open to ideas, noting that they renegotiate the contracts every three years.

Rosie Palfy expressed concern about commissioners chastising each other publically.

Captain Simon noted that officer trauma is a major concern and that they are trying to work to address that.

Loh reiterated their desire to always have a comment section at the end.

Per the rules, the session expired at 8:30, and the meeting was adjourned.